UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,736	07/30/2003	Satoshi Inami	2003-1067A	8924

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EXAMINER
VUONG, QUOCHIEN B

ART UNIT	PAPER NUMBER
2685	

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/629,736	INAMI ET AL.
	Examiner	Art Unit	
	Quochien B. Vuong	2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*30 July 2003*</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>*1-14*</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>*1-14*</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>*30 July 2003*</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/30/03, 5/23/05</u>.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 7-05)   Office Action Summary   Part of Paper No./Mail Date 10142005

DETAILED ACTION

Priority

1.   Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which

papers have been placed of record in the file.

Information Disclosure Statement

2.   The information disclosure statements (IDSs) submitted on 07/30/2003 and

05/23/2005 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the

information disclosure statements are being considered by the examiner.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1-8, 11, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated

by Han (US Patent Application Publication 2002/0094847).

Regarding claims 1 and 11, Han (figures 1-4) discloses an information

processing terminal and method comprising an execution section containing a plurality

of software pieces; a resource section including at least one resource to be accessed by

at least one of the software pieces; a resource access section for mediating access by

the software pieces in the execution section to the at least one resource by using a

generic interface for accessing the resource section; a state of use determination

section for determining whether the at least one resource is being currently used or not;

an exploiting-software priority management section for managing a priority level of an

exploiting-software piece, wherein the exploiting-software piece (additional service) is a

software piece currently using the at least one resource; a requesting-software priority

acquisition section for acquiring a priority level of a requesting-software piece, wherein

the requesting-software piece (telephone call service) is a software piece which is

making a request to access the at least one resource; and a conflict determination

section for comparing the priority level acquired from the exploiting-software priority

management section and the priority level acquired from the requesting-software priority

acquisition section, and determining which one of the requesting-software piece least

one resource, wherein, based on the result of the determination by the state of use

determination section and the result of the exploiting-software piece and the should be

granted access to the at determination by the conflict determination section (paragraphs

[0007], [0025], and [0027] – [0029]), the resource access section is operable to: (A) if

the at least one resource is not being currently used or if the priority level of the

requesting-software piece is higher than the priority level of the exploiting-software

piece, access the at least one resource in accordance with the request of the

requesting-software piece, and notify an error to the exploiting-software piece

(paragraph [0029]), or (B) if the priority level of the requesting-software piece is lower

than the priority level of the exploiting-software piece, notify an error to the requesting-software piece (paragraph [0028]).

Regarding claims 2 and 12, Han discloses the information processing terminal and method further comprising a software-by-software resource sate management section for managing a state of use of the at least one resource with respect to each software piece, wherein when receiving a request to access the at least one resource from the execution section, the resource access section refers to the software-by-software resource state management section to determine whether the request to access is from a software piece which surrendered the at least one resource during a previous use of the at least one resource, and if so determined, notifies to the software piece that the software piece surrendered the at least one resource during its previous use (paragraphs [0027]- [0029]).

Regarding claim 3, Han discloses the information processing terminal wherein, if the at least one resource is surrendered from a software piece having a lower priority to a software piece section notifies having a higher priority, the resource access section notifies to the to the surrendering software piece that the resource has been surrendered, and then the resource is later released and the software piece having the lower priority regains access to the resource, the resource access section notifies to the software piece that the resource has been surrendered to another software piece (paragraphs [0027]- [0029]).

Regarding claim 4, Han discloses the information processing terminal wherein, if the at least one resource is surrendered from a software piece having a lower priority to

a software piece having a higher priority, the resource access section cancels any

process which is currently being executed by the software piece having the lower

priority and thereafter determines whether it is necessary to reset each of the at least

one resource and if any resource needs to be reset, the resource access section

accesses the resource after resetting the resource (paragraphs [0027]- [0029]).

Regarding claim 5, Han discloses the information processing terminal wherein, if

the at least one resource is surrendered from a software piece having a lower priority to

a software piece having a higher priority, the resource access section cancels any

process which is currently being executed by the software piece having the lower

priority, and thereafter determines whether it is necessary to reset each of the at least

one resource and if any resource needs to be reset, the resource access section

performs a predetermined reset process which is previously registered by the software

piece and thereafter accesses the resource in accordance with a request from the

software piece having the higher priority (paragraphs [0027]- [0029]).

Regarding claim 6, Han discloses the information processing terminal further

comprising a software-by-software resource state management section for managing a

state of use of the at least one resource with respect to each software piece, wherein

the resource access section performs a reset process for the at least one resource on

behalf of a software piece which has once surrendered the resource but regained

access to the resource upon release of the resource, the reset process comprising

reading from the software-by-software resource state management section the state of

use of the resource which existed when the resource was surrendered and resetting the

resource to that state, and thereafter accesses the resource in accordance with a

request from the software piece (paragraphs [0027]- [0029]).

Regarding claim 7, Han discloses the information processing terminal further

comprising a decryption section for decrypting priority levels which are obtained from

software pieces in an encrypted form, wherein the determination made by the conflict

determination section is based on a result of the decryption by the decryption section

(paragraphs [0027]- [0029]).

Regarding claim 8, Han discloses the information processing terminal wherein

the determination made by the conflict determination section is based not only on the

priority level assigned to each software piece but also on a priority level which is

assigned to each of modules loaded or linked by the software piece (paragraphs [0027]-

[0029]).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

7.   Claims 9, 10, 13, and 14 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Han in view of Uya et al. (Us 5,530,797).

Regarding claims 9 and 13, Han disclose the information processing terminal and

method of claims 1 and 11 above, respectively. Han does not disclose the information

processing terminal further comprising a screen control section for controlling an

overlying relationship on a displayed image, wherein the conflict determination section

acquires information concerning an order of image layers of software pieces from the

screen control section, and based on the acquired information, determines the priority

levels of the software pieces for accessing the at least one resource. However, Uya et

al. disclose a screen control section for controlling an overlying relationship on a

displayed image, wherein the conflict determination section acquires information

concerning an order of image layers of software pieces from the screen control section,

and based on the acquired information, determines the priority levels of the software

pieces for accessing the at least one resource (column 4, lines 13-17; and column 10,

line 59 – column 11, line 4). Therefore, it would have been obvious to adapt the screen

control section of Uya et al. to the terminal and method of Han in order to display two or

more images with the most priority image in front.

Regarding claims 10 and 14, Han and Uya et al. disclose the terminal and method of claims 9 and 13 above, respectively; in addition, Uya et al. disclose wherein, if requests to access the at least one resource are received from a plurality of software pieces having the same priority level, the conflict information section requires information concerning an order of image layers of the software pieces from the screen control section, and based on the acquired information, permits the software piece whose image is displayed as a topmost layer to access the resource with priority (column 4, lines 13-17; and column 10, line 59 – column 11, line 4).

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pierce et al. (US 5,666,364) disclose method for prioritizing services provided by different network entities.

Eriksson et al. (US 6,061,559) disclose system and method for reconnecting a disconnected low priority call in a mobile telecommunications network.
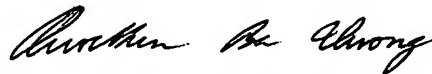
Petty et al. (Us 6,546,263) disclose apparatus and method for compact icon display.

9.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quochien B. Vuong whose telephone number is (571) 272-7902. The examiner can normally be reached on M-F 9:30-18:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

QUOCHIEN B. VUONG
PRIMARY EXAMINER

Quochien B. Vuong
Oct. 14, 2005.